



COPY

DEB:HEW:lab

Docket No.: LKS94-04A2

Date: 09/08/97

This will acknowledge receipt of

AN EXECUTED DECLARATION/POWER OF ATTORNEY document,
Transmittal Letter (w/copy), and check for \$130.00.
Express Mail Label No. EM080924639US

Applicants: Michael J. Briskin, Douglas J. Ringler, Dominic
Picarella and Walter Newman

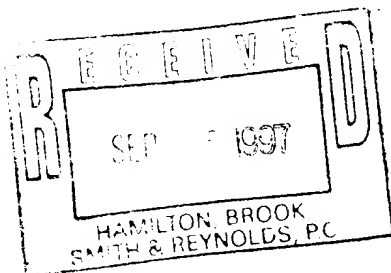
U.S. Natl Phase: PCT/US96/02153, filed February 12, 1996

S/N: 08/875,849

For: MUCOSAL VASCULAR ADDRESSINS AND USES THEREOF

Date received by PTO:

23 Rec'd PCT/PTO 8 SEP 1997



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

2 MILITIA DRIVE

LEXINGTON, MA 02173

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LKS944A2.DEC
HEW49:WP51
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09/08/97



COPY

PATENT APPLICATION
Docket No.: LKS94-04A2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Briskin, Douglas J. Ringler,
Dominic Picarella and Walter Newman

Serial No.: 08/875,849

International Application No.: PCT/US96/02153

International Filing Date: 12 February 1996

For: MUCOSAL VASCULAR ADDRESSINS AND USES THEREOF

Date: September 8, 1997

EXPRESS MAIL LABEL NO. 541080924639US

TRANSMITTAL OF DECLARATION/POWER OF ATTORNEY

Box PCT (DO/EO)
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed for filing in the U.S. Receiving Office is an executed Declaration/Power of Attorney document. A check in the amount of \$130.00 for payment of the surcharge is also enclosed.

Please charge Applicant's Attorney's Deposit Account No. 08-0380 for any additional fees that may be due in this matter. A duplicate copy is enclosed for that purpose.

Respectfully submitted,

Helen E. Wendler

Helen E. Wendler
Attorney for Applicants
Registration No. 37,964
Telephone: (781) 861-6240

Lexington, Massachusetts 02173

Date:

September 8, 1977

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94-04A2.RES
HEW50/WP5.1
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10/23/97

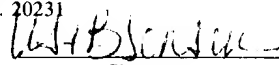


Rec'd PCT/PTO 28 OCT 1997

PATENT APPLICATION
Attorney's Docket No.: LKS94-04A2

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. Serial No.: 08/875,849
U.S. National Phase of
International Application No.: PCT/US96/02153
International Filing Date: February 12, 1996
Earliest Priority Date Claimed: February 10, 1995
Applicants: Michael J. Briskin, Douglas J.
Ringler, Dominic Picarella and
Walter Newman
Title: MUCOSAL VASCULAR ADDRESSINS AND
USES THEREOF
Attorney's Docket No.: LKS94-04A2

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on 10/24/97	
Date	Signature
Lisa B. Jensen	
Typed or printed name of person signing certificate	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This paper is submitted in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed from the Patent

Office on September 26, 1997. A copy of the Notification is enclosed herewith.

Declaration/Power of Attorney and Surcharge

The Notification indicates that an oath or declaration in compliance with 37 C.F.R. § 1.497(a) and (b), and surcharge under 37 C.F.R. § 1.492(e) must be supplied. On September 8, 1997, a "Transmittal of Declaration/Power of Attorney", an executed Declaration/Power of Attorney document, and check for \$130 in payment of the surcharge, were filed in accordance with 37 C.F.R. § 1.10. Enclosed herewith as evidence of the filing and receipt of these papers are copies of:

- (1) A "Transmittal of Declaration/Power of Attorney" (bearing Express Mail Label No. EM 080924639 US);
- (2) an Executed Declaration/Power of Attorney document;
- (3) a postcard receipt for the Transmittal letter, executed Declaration/Power of Attorney, and check for \$130.00, which refers to Express Mail Label No. EM 080924639 US, and which has been date stamped by the Patent Office with the Express Mail Date of September 8, 1997; and
- (4) an "Express Mail" mailing label, bearing Label No. EM 080924639 US, the docket number of the subject application ("LKS94-04A2"), a "date-in" of "9/8/97", and a USPS date stamp of "Sep 8 1997".

Since a Declaration in compliance with 37 C.F.R. § 1.497(a) and (b), and surcharge under 37 C.F.R. § 1.492(e) were filed via the Express Mail procedure on September 8, 1997, the requirement should be withdrawn.

Claims Fees

The Notification also indicates that additional claims fees of \$102.00 as a large entity are due. Applicants' Attorney did

not receive a copy of the Form PTO-875 said to be attached to the Notification, and contacted Patent Office personnel by phone several times to request a copy of Form PTO-875. However, as no such copy was transmitted, Applicants' Attorney does not understand the basis for the alleged deficiency. The subject application was transmitted to the Patent Office (PTO) on August 6, 1997, with a check in the amount of \$1464.00 (\$910 basic fee, \$554 excess claims fee). Recalculation of the claims fees suggests that the PTO is incorrect in stating that additional fees are due. The undersigned respectfully requests that the Office review their calculations and withdraw the requirement, or forward a copy of Form PTO-875 in support of the requirement of additional claims fees of \$102.00.

In addition, should the requirement be maintained, any fees due would be at the small entity rate, since a "Transmittal of Verified Statement and Request for Reimbursement" and "Verified Statement Claiming Small Entity Status" were filed on September 17, 1997 in accordance with 37 C.F.R. § 1.8, within the two-month period for requesting reimbursement of the filing fees. Enclosed herewith as evidence of the filing and receipt of these papers are copies of:

- (1) A "Transmittal of Verified Statement and Request for Reimbursement" (with Certificate of Mailing);
- (2) a Verified Statement Claiming Small Entity Status; and
- (3) a postcard receipt bearing the date stamp of the Patent Office (September 19, 1997).

In view of the filing of a Verified Statement Claiming Small Entity Status and Request for Reimbursement within the requisite two-month period, any filing fees due would be at the small entity rate.

Request for Reconsideration

Applicants' Attorney respectfully requests reconsideration and withdrawal of the requirements set forth in the Notification. In addition, because the requirements of 35 U.S.C. § 371 were completed upon submission of the Declaration/Power of Attorney and Surcharge on September 8, 1997, Applicants' Attorney requests that a date of September 8, 1997 be granted as the date of acceptance under 35 U.S.C. § 371.

Respectfully submitted,

Helen E. Wendler

Helen E. Wendler
Registration No. 37,964
Attorney for Applicants
Telephone: (781) 861-6240

Lexington, Massachusetts 02173
Dated:

October 24, 1997



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
08/875,849	BRISKIN	M LKS94-04A2
INTERNATIONAL APPLICATION NO.		
PCT/US96/02153		
I.A. FILING DATE		PRIORITY DATE
02/12/96		02/10/95
DATE MAILED 09/26/97		

DAVID E. BROOK
HAMILTON, BROOK, SMITH & REYNOLDS
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LEXINGTON MA 02173

5621

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 26 AUG 97 and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ 102.00 as a ☒ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE **MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

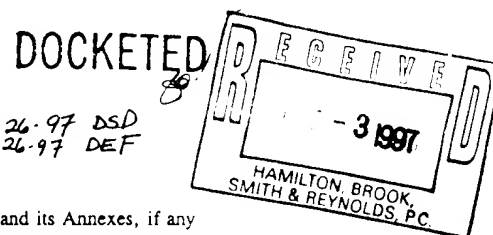
Enclosed: ☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☒ PTO-875

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703) 305-3737



LKS944A2.A26
HEW49
DEB:HEW:lab
09/17/97



COPY

PATENT APPLICATION
Docket No.: LKS94-04A2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. Briskin, Douglas J. Ringler,
Dominic Picarella and Walter Newman

Serial No.: 08/875,849

Filed: February 12, 1996

102(e) Filing Date: September 8, 1997

For: MUCOSAL VASCULAR ADDRESSINS AND USES THEREOF

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>09/17/97</u>	<u>Lisa Bevere</u>
Date	Signature
<u>Lisa Bevere</u>	
Typed or printed name of person signing certificate	

TRANSMITTAL OF VERIFIED STATEMENT
AND REQUEST FOR REIMBURSEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Please file the enclosed Verified Statement Claiming Small Entity Status in the above-identified patent application.

Applicant's Attorney respectfully requests a reimbursement of \$732.00, one-half of the total fees paid on August 6, 1997, to be deposited in Deposit Account No. 08-0380. This request is made within the two-month period allowed for such reimbursement.

A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

Helen E. Wendler

Helen E. Wendler
Registration No. 37,964
Attorney for Applicants
Telephone: (781) 861-6240
Facsimile: (781) 861-9540

Lexington, Massachusetts 02173

Dated: *September 17, 1997*